

**TOWN OF BIG FLATS AGENDA
WEDNESDAY, OCTOBER 26, 2016 AT 7:00 P.M.**

WATER BOARD

CALL TO ORDER

PUBLIC HEARING	7:00 p.m.	2017 Special Assessment for Historic Water District #3
PUBLIC HEARING	7:00 p.m.	2017 Special Assessment for Water District #4
PUBLIC HEARING	7:00 p.m.	Special Assessment for Water District #4 & #5 New Debt

UNFINISHED BUSINESS

2017 Special Assessment for Historic Water District #3
2017 Special Assessment for Water District #4
Special Assessment for Water District #4 & #5 New Debt

NEW BUSINESS

Delinquent Customers WD #4 & #5 for inclusion on the 2017 Tax Roll
Material BID for Daniel Zenker Dr. Extension

TOWN BOARD

CALL TO ORDER

PUBLIC HEARING	7:00 p.m.	Override Tax Levy Limit Est.
PUBLIC HEARING	7:00 p.m.	2017 Annual Salaries of Certain Elected or Appointed Official
PUBLIC HEARING	7:00 p.m.	2017 Special Assessment Sewer District #1

CONCERNS OF THE PEOPLE

MINUTES – September 28, 2016, October 5, 2016sp, October 12, 2016 & October 19, 2016sp

UNFISHED BUSINESS

Override Tax Levy Limit Est.
2017 Annual Salaries of Certain Elected or Appointed Official
2017 Special Assessment Sewer District #1

NEW BUSINESS

Budget Transfer /Amendments, and Void Check
Abstract of Audited Vouchers
Appointment - Part-time Building inspector
Setting 2017 Preliminary Budget
Communication Log

PROPOSED RESOLUTION NO. 01-102616
A RESOLUTION TO APPROVE THE 2017 SPECIAL ASSESSMENT FOR HISTORIC
WATER DISTRICT #3

Resolution by:

Seconded by:

WHEREAS the Water Board of the Town of Big Flats, Chemung County has completed an assessment schedule in connection with the financing of existing debt service for capital improvements for Historic Water District #3 and filed the same with the Town Clerk of the Town of Big Flats on October 7, 2016, and

WHEREAS the Water Board caused due notice of the completion of said assessment schedule and of the time and place wherein the Water Board would meet and hear and consider any objections to said assessment schedule, to be duly published according to law, and

WHEREAS Historic Water District #3 consists of 528 units with a unit charge for 2017 Water District #3 Special Assessment of approximately \$108.32. This charge appears on the Big Flats Historic District #3 parcels as WD243 and on the Horseheads Historic District #3 parcels under WD344. (In Horseheads the new WD5 remetering debt is combined with the historic debt under the same code, WD344), and

WHEREAS the Water Board did meet at the Town Hall, 476 Maple Street, Big Flats, New York on October 26, 2016, the time and place specified in said notice and heard and considered all objections to said assessment schedule, now

BE IT THEREFORE RESOLVED the said assessment schedule be and the same is hereby affirmed and adopted as originally proposed and filed in the office of the Town Clerk of the Town of Big Flats, and

FURTHER RESOLVED the Town Clerk shall annex to said assessment schedule a warrant which shall be signed by the Supervisor of the Town of Big Flats and added to the Town Tax schedule, and countersigned by the Town Clerk, commanding the Tax Collector of the Town of Big Flats to collect from the several persons named therein the sum or sums opposite their respective names and to pay the same to said Supervisor.

CARRIED: AYES:

NAYS:

PROPOSED RESOLUTION NO.02-102616

A RESOLUTION TO APPROVE THE SPECIAL ASSESSMENT FOR WATER DISTRICT #4

Resolution by:

Seconded by:

WHEREAS the Water Board of the Town of Big Flats, Chemung County has completed an assessment schedule in connection with the financing of existing debt service for capital improvements for Water District #4 and filed the same with the Town Clerk of the Town of Big Flats on October 7, 2016, and

WHEREAS the Water Board caused due notice of the completion of said assessment schedule and of the time and place wherein the Water Board would meet and hear and consider any objections to said assessment schedule, to be duly published according to law, and

WHEREAS Water District #4 consists of 77 units with a unit charge for 2017 Water District #4 Special Assessment of approximately \$98.54. This charge appears on the Big Flats District 4 parcels under the WD244 code. (This code combines the old debt with the new WD5 Remetering debt payment of approximately \$29.64), and

WHEREAS the Water Board did meet at the Town Hall, 476 Maple Street, Big Flats, New York on October 26, 2016, the time and place specified in said notice and heard and considered all objections to said assessment schedule, now

BE IT THEREFORE RESOLVED the said assessment schedule be and the same is hereby affirmed and adopted as originally proposed and filed in the office of the Town Clerk of the Town of Big Flats, and

FURTHER RESOLVED the Town Clerk shall annex to said assessment schedule a warrant which shall be signed by the Supervisor of the Town of Big Flats and added to the Town tax schedule, and countersigned by the Town Clerk, commanding the Tax Collector of the Town of Big Flats to collect from the several persons named therein the sum or sums opposite their respective names and to pay the same to said Supervisor.

CARRIED: AYES:

NAYS:

PROPOSED RESOLUTION NO.03-102616
A RESOLUTION TO APPROVE THE SPECIAL ASSESSMENT FOR WATER DISTRICT #4
& #5 NEW DEBT

Resolution by:

Seconded by:

WHEREAS the Water Board of the Town of Big Flats, Chemung County has completed an assessment schedule in connection with the financing of existing debt service for capital improvements for Water District #4 & #5 and filed the same with the Town Clerk of the Town of Big Flats on October 7, 2016, and

WHEREAS the Water Board caused due notice of the completion of said assessment schedule and of the time and place wherein the Water Board would meet and hear and consider any objections to said assessment schedule, to be duly published according to law, and

WHEREAS Water District #4 consists of 77 units and Water District #5 consists of 1950 units, with a unit charge for the 2017 Remetering Debt for Water District #4 and Water District #5 of approximately \$29.67. This charge appears on the Big Flats District 4 parcels under the WD244 code, combined with the old debt. The charge appears on the Horseheads parcels under the WD344 code, combined with the old debt. On all other parcels it will appear under code WD245, and

WHEREAS the Water Board did meet at the Town Hall, 476 Maple Street, Big Flats, New York on October 26, 2016, the time and place specified in said notice and heard and considered all objections to said assessment schedule, now

BE IT THEREFORE RESOLVED the said assessment schedule be and the same is hereby affirmed and adopted as originally proposed and filed in the office of the Town Clerk of the Town of Big Flats, and

FURTHER RESOLVED the Town Clerk shall annex to said assessment schedule a warrant which shall be signed by the Supervisor of the Town of Big Flats and added to the Town tax schedule, and countersigned by the Town Clerk, commanding the Tax Collector of the Town of Big Flats to collect from the several persons named therein the sum or sums opposite their respective names and to pay the same to said Supervisor.

CARRIED: AYES:

NAYS:

PROPOSED RESOLUTION NO. 04-102616
A RESOLUTION TO APPROVE THE DELINQUENT CUSTOMERS IN WATER
DISTRICTS #4 AND #5 FOR INCLUSION ON THE 2017 TAX ROLL

Resolution by:

Seconded by:

WHEREAS the Town Board has received a list of all delinquent water customers for Water Districts #4 and #5, dated October 25, 2016, and

WHEREAS said water customers have been notified that said delinquent bills must be paid by October 28, 2016, and

WHEREAS for environmental review, administration is a Type II action in accordance with SEQRA, 6NYCRR Part 617.5 (c) (20), now

BE IT THEREFORE RESOLVED the Town Board delegates authority, if necessary, to make changes to the proposed delinquent water customers list to the Water Department Principal Account Clerk and the Water Systems Supervisor, and

FURTHER RESOLVED the Town Board authorizes the delinquent water customers list as of October 28, 2016 for Water Districts #4 and #5 be forwarded to the Chemung County Real Property Tax Services for inclusion on the 2017 tax bills.

CARRIED: AYES:
 NAYS:

PROPOSED RESOLUTION NO.05-102616
A RESOLUTION TO APPROVE THE MATERIALS BID FOR DANIEL ZENKER DR.
EXTENSION

Resolution by:

Seconded by:

WHEREAS a bid advertisement was published in the Elmira Star Gazette on September 19, 2016 for materials to extend the Daniel Zenker Rd watermain to the west, no further then Palmer Rd. Bids were received by and opened at 2:00pm on October 4, 2016, and

WHEREAS the following Bids, for materials only, were received:

Name	Daniel Zenker Palmer Rd		Total	Honor in Spring
HD Supply	\$96,294.80	\$18,046.35	\$114,341.15	Yes
Blair Supply	\$96,053.73	\$18,875.66	\$114,929.39	Yes
Ferguson Supply	\$98,374.56	\$18,296.28	\$116,670.84	Yes
McWayne Ductile*	\$64,730.00	\$10,572.80	\$ 75,302.80	Yes

*Gaskets & pipe only

WHEREAS since the construction season is drawing to a close the above bidders were also asked about honoring these bids in the spring as the Town does not wish to store these materials through the winter and they all agreed to honor pricing, and

WHEREAS the Town Water Department has received sealed bids and is recommending the bid be awarded to Blair Supply, and

WHEREAS the Town Supervisor recommends the bid be awarded to Blair Supply, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR Part 617.5(c) (11) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Water Board awards the bid proposal to Blair supply for the purchase of materials for the Daniel Zenker Road waterline extension.

CARRIED: AYES:
 NAYES:

PROPOSED RESOLUTION NO. 06-102616
A RESOLUTION TO APPROVE LOCAL LAW NO. 3 FOR THE YEAR 2016 TO OVERRIDE
THE TAX LEVY LIMIT ESTABLISHED IN THE GENERAL MUNICIPAL LAW SECTION
3-C

Resolution by:
Seconded by:

WHEREAS, there has been duly presented to the members of the Town Board on October 14, 2016, Town of Big Flats Local Law Tentatively No. 3 for the Year 2016, due to the definitive guidelines and rules as to how to calculate the 2% tax limit calculation are not in place and are subject to interpretation and under the above circumstances there could be inadvertent and unintentional non-compliance subjecting the Town to adverse consequences to avoid the aforementioned adverse consequences it is prudent to adopt the within local law, and this Town Board by resolution, preliminarily adopted said Local Law on October 14, 2015, making the final adoption of said Local Law subject to a Public Hearing to be held on October 26, 2016; and

WHEREAS, in accordance with said resolution and Notice of Public Hearing, this Town Board of the Town of Big Flats did conduct a Public Hearing on October 26, 2016 at 7:00 P.M., and all persons appearing were given the opportunity to be heard, and the Clerk of this Town Board having filed proof of the publication and posting of the Notice of Public Hearing; now

THEREFORE, BE IT RESOLVED that Town of Big Flats Local Law Tentatively No. 3 for the Year 2016, as hereinafter set forth be and the same hereby is finally adopted, to wit:

TOWN OF BIG FLATS
Local Law No. 3 for the year 2016
Override the Tax Levy Limit Established in General Municipal Law 3-C

Section 1. Legislative Intent

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Big Flats, County of Chemung pursuant to General Municipal Law § 3- c, and to allow the Town of Big Flats, County of Chemung to adopt a town budget for (a) town purposes (b) fire protection districts and (c) any other special or improvement district governed by the town board for the fiscal year 2017 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law § 3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law § 3-c, which expressly authorizes the town board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the town board.

Section 3. Tax Levy Limit Override

The Town Board of the Town of Big Flats, County of Chemung is hereby authorized to adopt a budget for the fiscal year 2017 that requires a real property tax levy in excess of the limit specified in General Municipal Law, §3-c.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date.

This local law shall take effect immediately upon filing with the Secretary of State.

FURTHER RESOLVED the Town Clerk shall cause one certified copy thereof to be filed in the office of the Secretary of State of the State of New York.

CARRIED: AYES:

NAYS:

PROPOSED RESOLUTION NO. 07-102616
A RESOLUTION TO APPROVE THE LOCAL LAW TENTATIVELY NO. 4 FOR THE
YEAR 2016, ESTABLISHING THE ANNUAL SALARIES OF ELECTED OFFICIALS WHO
HAVE A FIXED TERM OF OFFICE FOR THE FISCAL YEAR 2017

Resolution by:
Seconded by:

WHEREAS, there has been duly presented to the members of the Town Board on October 26, 2016, Town of Big Flats Local Law Tentatively No. 4 for the Year 2016, establishing the annual salaries of elected officials of the Town of Big Flats who have a fixed term of office for the Fiscal Year 2017, and this Town Board by resolution, preliminarily adopted said Local Law on October 26, 2016, making the final adoption of said Local Law subject to a Public Hearing to be held on October 26, 2016, and also subject to a permissive referendum; and

WHEREAS, in accordance with said resolution and Notice of Public Hearing, this Town Board of the Town of Big Flats did conduct a Public Hearing on October 26, 2016 at 7:00 P.M., and all persons appearing were given the opportunity to be heard, and the Clerk of this Town Board having filed proof of the publication and posting of the Notice of Public Hearing and requirement for a permissive referendum, now

THEREFORE, BE IT RESOLVED that Town of Big Flats Local Law Tentatively No. 4 for the Year 2016, as hereinafter set forth be and the same hereby is finally adopted, to wit:

**TOWN OF BIG FLATS
LOCAL LAW TENTATIVELY NO. 4 FOR THE YEAR 2016**

A LOCAL LAW establishing the annual salaries of elected officials of the Town of Big Flats who have a fixed term of office for the Fiscal Year 2017.

Be it enacted by the Town Board of the Town of Big Flats as follows:

SECTION 1: Except where inconsistent by operation of law due to prohibitions of increases of compensation during a fixed term of office for Town officers as provided in Municipal Home Rule Law §24 be, and the same hereby is, applicable to officers having a fixed term of office, elected, as are any and all resolutions of the Town of Big Flats Town Board relative to rights and entitlements of Town executive and management personnel.

SECTION 2: Effective with the first town payroll for the Town Fiscal Year 2016 the annual salaries of the elected officials of the Town of Big Flats who have a fixed term of office are hereby established for the Fiscal Year 2016 as follows, to wit:

<u>TITLE</u>	<u>2016 SALARY</u>	<u>2017 SALARY</u>
Town Supervisor	\$33,095	\$33,922
Town Council (4)	\$7, 004 each	\$ 7,004 each
Town Justice	\$21,499 each	\$22,036 each
(2) Town Clerk	\$38,656	\$39,622
Tax Collector	\$3,152	\$3,231
Town Attorney	\$43,473	\$43,473

SECTION 3: Should any of the above positions become vacant and subsequently filled by one other than the present incumbent, the salary shall in that instance be set by the Town Board prior to filling said vacancy.

SECTION 4: This Local Law shall become effective, subject to a permissive referendum, forty-five (45) days after the date of its final adoption and on the date it is duly filed in the Office of the

Secretary of State of the State of New York and in accordance with the provisions of the Municipal Home Rule Law of the State of New York.

BE IT FURTHER RESOLVED, within twenty (20) days after such Local Law is adopted the Clerk of this Town Board of the Town of Big Flats shall cause a copy of the Local Law to be published in the official designated newspapers together with notice that said Local Law is subject to a permissive referendum of the qualified electors of Town of Big Flats by the filing of a petition within forty-five (45) days from the date of the final adoption of the Local Law with the Town Clerk demanding such referendum, which petition must be signed by qualified electors of the Town registered to vote therein at the last preceding election, in number equal to at least ten per centum (10%) of the total number cast for Governor at the last gubernatorial election in the Town; and be it further

FURTHER RESOLVED, within five (5) days after the expiration of the time for the filing of petitions for a permissive referendum of said Local Law, the Town Clerk shall cause one certified copy thereof to be filed in the office of the Secretary of State of the State of New York.

CARRIED: AYES:
NAYS:

PROPOSED RESOLUTION NO. 08-102616
A RESOLUTION TO APPROVE THE 2017 SEWER DISTRICT NO.1
SPECIAL ASSESSMENT

Resolution by:
Seconded by:

WHEREAS the Town Board of the Town of Big Flats, Chemung County has completed an assessment schedule in connection with the financing of existing debt service for capital improvements for Sewer District # 1 and filed the same with the Town Clerk of the Town of Big Flats on October 26, 2016, and

WHEREAS the Town Board caused due notice of the completion of said assessment schedule and of the time and place wherein the Town Board would meet and hear and consider any objections to said assessment schedule, to be duly published according to law, and

WHEREAS Sewer District # 1 consists of assessment of all customers of \$42,642,100 with a unit charge for 2017 Sewer District # 1 Special Assessment of \$0.406 per \$1,000 of assessed value, and

WHEREAS the Town Board did meet at the Town Hall, 476 Maple Street, Big Flats, New York on October 26, 2016, at 7:00 PM and heard and considered all objections to said assessment schedule, now

BE IT THEREFORE RESOLVED the said assessment schedule be and the same is hereby affirmed and adopted as originally proposed and filed in the office of the Town Clerk of the Town of Big Flats, and

FURTHER RESOLVED the Town Clerk shall annex to said assessment schedule a warrant, which shall be signed by the Supervisor of the Town of Big Flats and shall be billed by the Town of Big Flats accounting department, on the last week of December 2016, with a due date of January 31, 2017. The Town Supervisor shall hold said funds for the payment of the EFS Bond Sewer Bond in 2017.

CARRIED: AYES:
NAYS:

PROPOSED RESOLUTION NO. 09-102616
A RESOLUTION TO APPROVE THE BUDGET TRANSFER/AMENDMENT
TRANSFER AND VOID CHECK

Resolution by:
Seconded by:

WHEREAS a memorandum was received from the Bookkeeper, dated October 19, 2016 requesting authorization for a Budget Transfer /amendment transfer and voiding a check, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the following Budget Transfer, amendment, and void check:

General Fund

Please authorize a budget transfer for the following overspent budget:

To	Central Data Processing -CE-1680.0400	2,000	
From	Central Data Processing -CO-1680.0200		2,000

Please authorize voiding of check # 16203 made payable to Lady Rebels Softball dated 09/30/16, amount \$769.50 due to check being inadvertently misplaced and to reissue a new check to same.

Budget Transfers-Water District #4 &5

Please authorize a budget transfer for the following overspent budget:

To	S of S Supply Pwr. & Pump-CE –S4.8320.0400	130.00	
From	Social Security - S4.9030.0800		100.00
	NYS Unemployment Ins- S4.9050.0800		30.00
To	Engineering -CE –S5.1440.0400	5,000.00	
From	S of S Pwr & Pump–CE- S5.8320.0400		5,000.00

Amend Budget WD#5 & Capital project #H12

Please authorize amending WD#5 Budget for an inter-fund transfer to capital project H12 Fund for partial Booster Pump Station project cost to not exceed 80,000

Increase Appropriations-S5.0960	80,000	
Increase Transfers, Capital Project Fund-S5.9509		80,000
Increase Revenues-H12.0510	80,000	
Increase Booster Pump Station-CO-H12.8397.2.1		80,000

CARRIED: AYES:
NAYS:

PROPOSED RESOLUTION NO. 10-102616
A RESOLUTION TO APPROVE THE ABSTRACT OF AUDITED VOUCHERS FOR
OCTOBER 26, 2016

Resolution by:

Seconded by:

RESOLVE that the Town of Big Flats approve the Abstract of Audited Vouchers for October 26, 2016, and order the bills paid, when in funds, for the following:

GENERAL FUND	\$ 45,689.05
HIGHWAY FUND	\$ 29,053.50
WD 4&5 Capital Project #12	\$ 12,980.00
WATER DISTRICT #4	\$ 777.99
WATER DISTRICT #5	\$ 36,768.15
LIGHTING DISTRICT	\$ 593.21
TRUST FUND	\$ 2,070.00

CARRIED: AYES:

NAYS:

ABSENT:

PROPOSED RESOLUTION NO. 11-102616
A RESOLUTION APPOINTING MICHAEL T. RANGESTORM OF HORSEHEADS, N.Y.,
AS PART-TIME BUILDING INSPECTOR AT RATE OF \$15.00 PER HOUR

Resolution by:

Seconded by:

WHEREAS there exists a vacancy in the Code and Planning Office for a part-time building inspector, and

WHEREAS the Town Board had determined that the position should remain a part-time position at nor more than 20 hours per week, and

WHEREAS the Director of Codes has a need for a person to do code and fire inspections, and

WHEREAS the Director conducted interviews of potential candidates, and

WHEREAS the Director recommends the hiring of Michael T. Rangestorm of Horseheads, NY and has clear a background check, and

WHEREAS for environmental purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board appoints Michael T. Rangestorm as Part-Time Building Inspector at the rate of \$15.00 per hour with a six months' probation period to start October 31, 2016, and

FURTHER RESOLVED the Town Supervisor is authorized to complete the required Report of Personnel Change (RPC).

CARRIED: AYES:

NAYS:

PROPOSED RESOLUTION NO. 12-102616
A RESOLUTION TO APPROVE SETTING A PUBLIC HEARING NOVEMBER 16TH FOR
THE 2017 PRELIMINARY BUDGET

Resolution by:

Seconded by:

WHEREAS the Town Supervisor has prepared the 2017 Preliminary Budget, and

WHEREAS a Public Hearing for said Preliminary Budget will be held on November 16, 2016 at 4:30 p.m. at the regular monthly Town Board meeting to hear public comment on the, and

WHEREAS for environmental purposes this is a Type II Action in accordance with 6NYCRR, Part 617.5(c) (20) and as such no further review is necessary, now

BE IT THEREFORE RESOLVED that the Town Board sets the public hearing for the 2017 Preliminary Budget on November 16th, 2016 at 4:30p.m., titled "Town of Big Flats 2017 Preliminary Budget" for public comment.

CARRIED: AYES:

 NAYS:

PROPOSED RESOLUTION NO. 13-102616
A RESOLUTION TO APPROVE THE COMMUNICATION LOG FOR OCTOBER 26, 2016,
AS PRESENTED BY THE TOWN CLERK

Resolution by:

Seconded by:

BE IT RESOLVED that the following communications were received, accepted and filed by the Town Clerk of the Town of Big Flats and referred to the appropriate Department Head for information and/or action:

October 19, 2016

Charter Communications – RE: October 19, 2016 Programming Notice Changes *Referred to: Town Board, and filed with Town Clerk.*

CARRIED: AYES:

NAYS: ABSENT: